

**REMARKS/ARGUMENTS**

In response to the Office Action dated January 18, 2008, Applicants have amended claims 1, 5, 7, and 9-12. Claim 13 has been added. Claims 1 and 3-13 are currently pending in the Application. No new matter was added by these amendments. For at least the reasons set forth below, Applicant respectfully traverses the objections and rejections of the claims.

**Claim Rejections under 35 U.S.C. § 103**

The Office Action rejected claims 1 and 3-12 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent No. 6,574,465 ("Marsh") in view of U.S. Pub. No. 2002/0082991 ("Friedman") and U.S. Pub. No. 2003/0216971 ("Sick").<sup>1</sup> Applicant respectfully traverse this rejection for at least the reasons set forth below.

Marsh is directed toward a system and method for determining an optimal wireless communication service plan. More specifically, Marsh discloses receiving information about a subscriber's usage history and the details of previous calls. (See, e.g., "creating a usage history table and a call detail table" col. 2, lines 14-15). The calling profile record described in Marsh consists of information based on historical usage, such as when calls are made or received, the types of calls, where the calls are made or received, and whether the call is a local call or a toll call. (See col. 9, lines 13-30) There is no mention of receiving information based on what predicted subscriber usage, such as an expected increase in the number of users. Claim 1 specifically requires that the "subscriber's predicted telecommunication usage requirements" must be part of the analysis. Therefore, Marsh does not disclose this element of claim 1.

In addition, Marsh does not disclose updating the analysis based on "additional subscriber's predicted telecommunications usage requirements," comparing the updated analysis to the initial analysis, determining differences, or selecting a different telecommunications plan

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<sup>1</sup> Applicant notes that the page 2 of the Office Action states that "Claims 1, 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable by Marsh et al (US Patent 6,574,465) in view of Friedman [sic] et al. (US Pub. No. 2002/0082991)." However, the subsequent detailed description of the rejection address claims 1 and 3-12 and applies the Marsh, Friedman and Sick references. Therefore, Applicant presumes that its characterization of the rejection set forth above is correct.

when the "determination indicates that the different telecommunications plan better conforms to the updated analysis." As noted above, Marsh does not consider any predicted information. Therefore, the methodology in Marsh cannot consider additional predicted usage requirements, or act on an analysis that includes the predicted usage requirement, and there is no reason, other than impermissible hindsight, to make this modification.

The Office Action appears to assert that the disclosure of Sick remedies the above deficiencies in Marsh. However, Sick is not analogous art. Sick is directed to "a system that facilitates selling, purchasing, analyzing and managing resources." See Sick at para. 0002. The disclosure describes the invention in the context of an energy market and auctioning energy resources. See Sick at paras. 0010 and 0012. In fact, in paragraph 0011, Sick states that:

Although the specific application of the invention to power or energy purchases is discussed in detail in this specification, it should be apparent that the invention can be applied to any time-based procurement of resources or goods. That is, where the consumer's and supplier's obligations are ongoing for a period of time so that continuous or intermittent delivery of a product or service is provided, such a procurement can benefit from the application of the present invention (emphasis added).

Thus, Sick is clearly directed toward buying and selling resources in a time-based manner. This is clearly not analogous to the invention of claim 1, which is directed to a "method for managing telecommunication bills for a subscriber." The present invention is not concerned with time-based procurement, but rather with managing telecommunication bills. Thus, the system described in Sick would not have logically commended itself to managing telecommunication bills. These are two separate and non-related concerns which clearly demonstrate how the disclosure of Sick is directed to technology that is not analogous to that of the present invention. One of ordinary skill in the art would understand these differences and not look to the disclosure of Sick to modify the system in Marsh.

Even if Sick is analogous art, the methodology described performs in a very different manner than that claimed in the present invention. Specifically, the Office Action asserts that "Sick et al. teaches in the abstract wherein an analysis of time of usage patterns

modeling of predicted and actual usage patterns with respect to a chosen plan, is used to determine billing." See Office Action at page 4. However, the Abstract of Sick actually recites "modeling of predicted and actual consumption with respect to a chosen plan." Thus, Sick at best involves selecting a plan, and then modeling based on predicted and actual consumption. This is opposite of the invention of claim 1, which specifically recites:

- conducting an analysis of a subscriber's telecommunication usage requirements, wherein the analysis is based at least on the subscriber's predicted telecommunication usage requirements and the subscriber's historical telecommunication usage;
- creating a report based on the analysis of the subscriber's telecommunication usage requirements;
- selecting at least one telecommunication carrier plan to conform to the analysis;

The claimed invention requires conducting the analysis based on the predicted usage and then selecting a plan. Therefore, Sick even if properly combined with Marsh, would not disclose each and every limitation of the invention of claim 1.

Friedman does not remedy the deficiency of Marsh and Sick. Rather, at best, Friedman is directed to an auditing system for telecommunications bills. There is not mention or disclosure of predicted usage patterns.

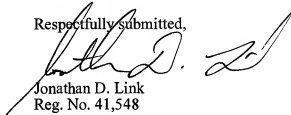
Therefore, for at least the reasons set forth above, claim 1 is patentable over the prior art of record. Further, claims 3-13, which depend from independent claim 1, are also patentable for at least these reasons. Therefore, it is not necessary to address the additional patentable distinctions found in claims 3-13 separately. For at least these reasons, Applicants respectfully submit that claims 1 and 3-13 are patentable over the prior art of record, and request that the rejections in the Office Action be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan D. Link', is written over the typed name and registration number.

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